

# EXHIBIT 2

**REQUEST FOR JUDICIAL INTERVENTION**

UCS-840 (7/2012)

Supreme COURT, COUNTY OF New York ☒

Index No: 652948/2014 Date Index Issued: 09/26/2014

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.DOV MALNIK and TOMER FEINGOLD,  
Plaintiffs

Plaintiff(s)/Petitioner(s)

**For Court Clerk Use Only:**

IAS Entry Date

Judge Assigned

RJI Date

-against-

MUDDY WATERS, LLC, CARSON BLOCK, and JOSHUA STEINBERG  
Defendants

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.**MATRIMONIAL**☐ Contested**NOTE:** For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**.  
For Uncontested Matrimonial actions, use RJI form UD-13.**TORTS**☐ Asbestos☐ Breast Implant☐ Environmental: \_\_\_\_\_  
(specify)☐ Medical, Dental, or Podiatric Malpractice☐ Motor Vehicle☐ Products Liability: \_\_\_\_\_  
(specify)☐ Other Negligence: \_\_\_\_\_  
(specify)☐ Other Professional Malpractice: \_\_\_\_\_  
(specify)☐ Other Tort: \_\_\_\_\_  
(specify)**OTHER MATTERS**☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]☐ Emergency Medical Treatment☐ Habeas Corpus☐ Local Court Appeal☐ Mechanic's Lien☐ Name Change☐ Pistol Permit Revocation Hearing☐ Sale or Finance of Religious/Not-for-Profit Property☐ Other: \_\_\_\_\_  
(specify)**COMMERCIAL**☒ Business Entity (including corporations, partnerships, LLCs, etc.)☐ Contract☐ Insurance (where insurer is a party, except arbitration)☐ UCC (including sales, negotiable instruments)☐ Other Commercial: \_\_\_\_\_  
(specify)**NOTE:** For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.**REAL PROPERTY:** How many properties does the application include? \_\_\_\_\_☐ Condemnation☐ Mortgage Foreclosure (specify):☐ Residential☐ Commercial

Property Address: \_\_\_\_\_

Street Address

City

State

Zip

**NOTE:** For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.☐ Tax Certiorari - Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_☐ Tax Foreclosure☐ Other Real Property: \_\_\_\_\_  
(specify)**SPECIAL PROCEEDINGS**☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]☐ CPLR Article 78 (Body or Officer)☐ Election Law☐ MHL Article 9.60 (Kendra's Law)☐ MHL Article 10 (Sex Offender Confinement-Initial)☐ MHL Article 10 (Sex Offender Confinement-Review)☐ MHL Article 81 (Guardianship)☐ Other Mental Hygiene: \_\_\_\_\_  
(specify)☐ Other Special Proceeding: \_\_\_\_\_  
(specify)**STATUS OF ACTION OR PROCEEDING:** Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☒

If yes, date filed: 09/26/2014

Has a summons and complaint or summons w/notice been served?

☐

If yes, date served: (2/3 Ds served on 1/15 &amp; 1/17)

Is this action/proceeding being filed post-judgment?

☐

If yes, judgment date: \_\_\_\_\_

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise  
☐ Note of Issue and/or Certificate of Readiness  
☐ Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: \_\_\_\_\_  
☐ Notice of Motion Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_\_  
☐ Notice of Petition Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_\_  
☒ Order to Show Cause Relief Sought: Extend - Time ☒ Return Date: \_\_\_\_\_  
☐ Other Ex Parte Application Relief Sought: \_\_\_\_\_  
☐ Poor Person Application  
☐ Request for Preliminary Conference  
☐ Residential Mortgage Foreclosure Settlement Conference  
☐ Writ of Habeas Corpus  
☐ Other (specify): \_\_\_\_\_

**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJI Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:**

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the RJI Addendum.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	Mainick Last Name Dov First Name Plaintiff Primary Role: Secondary Role (if any):	Brown Last Name Daniel First Name Reiss Sheppe LLP Firm Name 425 Madison Avenue 19th Floor New York City New York State 10017 Zip 2127532424 Phone 2127533829 Fax dbrown@reissheppe.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Feingold Last Name Tomer First Name Plaintiff Primary Role: Secondary Role (if any):	Brown Last Name Daniel First Name Reiss Sheppe LLP Firm Name 425 Madison Avenue 19th Floor New York City New York State 10017 Zip 2127532424 Phone 2127353829 Fax dbrown@reissheppe.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Muddy Waters, LLP Last Name Defendant First Name Primary Role: Secondary Role (if any):	Syverson Last Name Erik S. First Name Raines Feldman, LLP Firm Name 9720 Wilshire Boulevard 5th Floor Beverly Hills City California State 90212 Zip 3109884296 Phone 3107657730 Fax esyverson@raineslaw.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Block Last Name Carson First Name Defendant Primary Role: Secondary Role (if any):	Syverson Last Name Erik S. First Name Raines Feldman, LLP Firm Name 9720 Wilshire Boulevard 5th Floor Beverly Hills City California State 90212 Zip 3109884296 Phone 3107657730 Fax esyverson@raineslaw.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 01/26/2015

SIGNATURE

Daniel J. Brown

PRINT OR TYPE NAME

ATTORNEY REGISTRATION NUMBER

Print Form

Print Form

SUPREME COURT OF THE STATE OF NEW YORK

UCS-840C  
3/2011

COUNTY OF New York



x

Index No. 652948/2014

DOV MALNIK and TOMER FEINGOLD

RJ1 No. (if any)

-against-

Plaintiff(s)/Petitioner(s)

MUDDY WATERS, LLC, CARSON BLOCK, and JOSHUA STEINBERG

Defendant(s)/Respondent(s)

**COMMERCIAL DIVISION****Request for Judicial Intervention Addendum****COMPLETE WHERE APPLICABLE** [add additional pages if needed]:**Plaintiff/Petitioner's cause(s) of action** [check all that apply]:

- ☒ Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- ☐ Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- ☐ Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only
- ☐ Shareholder derivative actions — without consideration of the monetary threshold
- ☐ Commercial class actions — without consideration of the monetary threshold
- ☐ Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- ☐ Internal affairs of business organizations
- ☐ Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- ☐ Environmental insurance coverage
- ☐ Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- ☐ Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- ☐ Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

**Plaintiff/Petitioner's claim for compensatory damages** [exclusive of punitive damages, interest, costs and counsel fees claimed]:

\$ In excess of \$500,000.00

**Plaintiff/Petitioner's claim for equitable or declaratory relief** [brief description]:

Plaintiffs seek damages from defendants equal to the value of plaintiffs' ownership interest in the jointly-developed brand that is the subject of this dispute, a declaration that plaintiffs have not misappropriated information from defendants or violated any other purported duty to defendants, and an order enjoining defendants from misusing the jointly-developed brand.

**Defendant/Respondent's counterclaim(s)** [brief description, including claim for monetary relief]:

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) AND (c).

Dated: 01/26/2015

SIGNATURE

Daniel J. Brown

PRINT OR TYPE NAME

**RJI Addendum**

<u><b>Defendants</b></u>	<u><b>Attorneys</b></u>	<u><b>Issue Joined</b></u>
Joshua Steinberg	unknown	N